

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 18-CR-00684(ENV)  
:  
:  
-against- : United States Courthouse  
:  
:  
May 30, 2019  
10:00 a.m.  
ELGIN BRACK and SCOTT :  
BRACK, :  
:  
Defendants. :  
- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE ERIC N. VITALIANO  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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A P P E A R A N C E S: (Continued.)

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(In open court.)

THE COURTROOM DEPUTY: All rise. Court is now open.

The Honorable Eric N. Vitaliano is presiding. The case on  
calendar is USA versus Elgin Brack and Scott Brack, Case No.  
18-CR-684 on for a status conference.

Would the attorneys please note their appearance  
beginning with Government counsel?

MR. SELDEN: Good morning, Your Honor. On behalf of  
the United States, Assistant United States Attorney, Phil  
Selden. Good morning.

THE COURT: Good morning, Mr. Selden.

MR. STEIN: Good morning, Your Honor. Joel Stein  
for Elgin Brack.

THE COURT: Good morning.

MR. ZISSOU: Scott Brack appears through counsel,  
Steve Zissou. Good morning. Nice to see you again, Your  
Honor.

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1 THE COURT: Good morning, same here.

2 THE COURTROOM DEPUTY: Counsel for both sides are  
3 present, including defendants.

4 THE COURT: And the Bracks as well.

5 All right, Mr. Selden, why don't you catch us up,  
6 please.

7 MR. SELDEN: Thank you, Your Honor.

8 Your Honor, the Government's discovery productions  
9 continue on. We have specifically provided four additional  
10 discovery productions to both Elgin Brack and Scott Brack by  
11 way of counsel. In addition, plea offers have been extended  
12 to both defendants. At this time the Government would be  
13 happy to set a motions hearing date, or, if the defense would  
14 like more time, we would be happy to provide additional time  
15 for the review of discovery as well as plea considerations.

16 Thank you.

17 THE COURT: Thank you.

18 Counsel?

19 MR. ZISSOU: Lead counsel, Mr. Stein.

20 THE COURT: You appointed him, Mr. Zissou?

21 MR. STEIN: So, Judge, we have -- as Mr. Selden  
22 correctly stated, we have received some recent discovery,  
23 although, frankly, it's not particularly voluminous as  
24 compared to the very voluminous discovery from before, and I  
25 have been trying to plow through it, but the problem is and

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1 that persists, and there's been a lot of back and forth with  
2 Mr. Selden about this in the MDC -- I don't have an  
3 explanation for it, but I will report to you my understanding  
4 of what's happened.

5           So there are two forms of electronic discovery the  
6 Government has sent to the jail: There are a number of CDs  
7 and then there's a hard drive, and there's a password for --  
8 all the same password for all the CDs, same password for the  
9 hard drive. So the CDs have been sent to their clients in  
10 their units so they are able to review the CDs in their unit  
11 with the password for all the CDs. There hasn't been a  
12 problem with that.

13           The hard drive is a different issue and this came up  
14 last time when we were before you about a month ago.

15           So the Government made arrangements with the MDC for  
16 the hard drive to be placed in the east wing, the other  
17 building, and they were given a schedule when they could go  
18 over there. It's two or three days a week, I forget exactly  
19 how many days, but the problem has been the password for the  
20 hard drive.

21           I have given my client several times the password,  
22 instructed him carefully, hopefully, that the password has to  
23 be entered obviously precisely; so there's lower case, upper  
24 case, numbers, symbols, and Mr. Selden has sent it to me  
25 multiple times, same password, I conveyed it to my client, and

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1 he has not been able to open the hard drive.

2 Also, Mr. Selden informed us that some MDC officials  
3 went to that building, entered the password and they didn't  
4 have a problem opening it up. So I don't know what to tell  
5 you, Judge, but it's a persistent problem.

6 THE COURT: Is there a way for whoever that other  
7 person was to open up the hard drive for your clients --

8 MR. SELDEN: It was a BOP official. I don't know if  
9 it was a Correction's officer or someone from legal, or I  
10 don't know who it was.

11 THE COURT: Just to open it up.

12 MR. STEIN: It sounds easy, Judge, but it's --

13 THE COURT: I know nothing is easy in the jailhouse.

14 MR. STEIN: Mr. Zissou will speak for himself, but I  
15 think his client is having the same problem.

16 THE COURT: I'm assuming it goes to things on the CD  
17 are different from the things on the hard drive, right?

18 MR. STEIN: Yes.

19 MR. ZISSOU: There's a lot of data and the data is  
20 password protected; it starts the initial difficulty, you can  
21 usually get through that. If you recall last time we were  
22 here, the defense suggested that the defendants be supplied  
23 with laptops that we would purchase, load the appropriate  
24 software on it, and then give it to the attorney for the  
25 Government to do whatever they thought was appropriate, load

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1 up the data on it, and give each one to the clients.

2           The warden made a suggestion, which we thought was  
3 reasonable: We'll give them visit -- we'll give them review  
4 time in the visit room, two days a week, with access to the  
5 discovery. And we thought that was a reasonable suggestion,  
6 mindful of the fact that there are security issues that the  
7 BOP has to be concerned with.

8           I have to tell you, Judge, that it does appear to me  
9 that both the attorney for the Government and the Bureau of  
10 Prisons have made an effort to make this work. Regretfully,  
11 it hasn't worked yet; password issues, who's got what CD. It  
12 looks to me like these are issues that should be able to be  
13 resolved, and so what I'm proposing is simply we give it  
14 another time, we pick another status conference, we'll keep  
15 trying, and if we still can't resolve it by then, then we'll  
16 make whatever additional application we think we need to.

17           MR. STEIN: Who knows, maybe we will get more  
18 discovery in the intervening time.

19           THE COURT: Are you onboard with that suggestion,  
20 Mr. Stein?

21           MR. STEIN: Yes, Judge.

22           THE COURT: Mr. Selden, how about you?

23           MR. SELDEN: Thank you very much, Your Honor.

24           Your Honor, with regards to the actual logistics for  
25 defendants Elgin and Scott Brack, we would just inquire

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1 through the Court whether or not counsel for Elgin Brack and  
2 Scott Brack have had any past work or other logistical issues  
3 opening the discovery. We just want to see whether or not  
4 there's been any issues for the attorneys with regards to  
5 their ability to open up the discovery.

6 THE COURT: Have either of you tried to open that?

7 MR. STEIN: We don't have the hard drive, it's a  
8 different password issue, but I haven't had any problem,  
9 actually. Mr. Selden has been very helpful in pointing some  
10 things out for me so the answer is no.

11 THE COURT: You haven't tried at the facility  
12 yourself --

13 MR. STEIN: I can't go to that building.

14 THE COURT: Well, you said the visitor center so I  
15 wasn't sure if that's where --

16 MR. STEIN: It's in the east building.

17 MR. SELDEN: Actually, Your Honor, I had an  
18 opportunity to speak with Michael Cardew who is a  
19 representative from MDC Brooklyn, and apparently paralegals  
20 and legal counsel can go to the east visiting room. But my  
21 question was more whether or not counsel themselves have had  
22 an ability to open the discovery at their offices.

23 THE COURT: At their own offices?

24 MR. SELDEN: At their own offices.

25 MR. STEIN: I have had no problem.

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1           MR. ZISSOU: So, Judge, what I did, because there's  
2 a lot of -- what's the word? -- learning time? I forget the  
3 exact phrases, but it takes a while to get comfortable with  
4 the data and how to open it. So what we did was we copied all  
5 the data onto a non-protected disk so we can access it  
6 immediately without --

7           THE COURT: And you mean in your office?

8           MR. ZISSOU: Correct. So it took some days to  
9 transfer all the data onto a non-protected disk, but once you  
10 do that, we have no problem whatsoever accessing the data.  
11 There's some software issues, you have to download some  
12 software from the Internet for it to run smoothly, you know,  
13 but these are sort of common 2019 issues that lawyers face all  
14 the time.

15           My primary concern and my primary belief here is the  
16 computers and the hardware in the visiting room in the MDC,  
17 it's ENIAC level. I mean, it's back to the '70s. And, again,  
18 I appreciate that they don't want to spend time and money on  
19 software and hardware, but the computers there are not the top  
20 of the line stuff that we have in my office; they don't have  
21 Internet access so they can't download or figure out how to  
22 make it work. Again, these are problems that should be  
23 resolvable if the Bureau of Prisons continues to be committed  
24 to making it so.

25           THE COURT: It sounds like they are.



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1 MR. ZISSOU: It does.

2 MR. SELDEN: Your Honor, now understanding that both  
3 Mr. Zissou and Mr. Stein have had the ability to open up all  
4 the discovery productions made by the Government, I would like  
5 to make the following representations about MDC Brooklyn's  
6 efforts to facilitate Elgin Brack and Scott Brack's ability to  
7 look at the productions previously produced.

8 Specifically, Elgin Brack is allowed to go to the  
9 east visiting room on Mondays and Wednesdays. At that time,  
10 he is provided an opportunity to preview, through the hard  
11 drive -- he's provided an opportunity from 8:00 a.m. to  
12 approximately 3:30 p.m. Notably, this is more than the time  
13 that would be allowed for another inmate accessing the law  
14 library. As well, he's provided lunch so he doesn't have to  
15 go back to his actual unit.

16 Scott Brack is provided an opportunity to attend on  
17 Tuesdays and Thursdays with the same access to the hard drive  
18 as well as provided lunch. Access to the DVDs is provided in  
19 every unit from 6:00 a.m. to the recall time at approximately  
20 3:30 p.m., seven days a week.

21 As of May 7th, both defendants were given hard drive  
22 access in the east visiting room. It's our understanding that  
23 there have been difficulties with the password. As a result  
24 we inquired through MDC Brooklyn whether or not they would be  
25 willing to go in and essentially spot check, see whether or

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1 not the passwords work. And, to be clear, in terms of the  
2 times --

3 THE COURT: But not while the --

4 MR. SELDEN: Not while the defendants were present.

5 And I will share with the Court, Elgin Brack and  
6 Scott Brack are one of five inmates at MDC Brooklyn who are  
7 afforded an opportunity to go to the east visiting room to  
8 utilize this hard drive procedure. As the Court is probably  
9 no doubt well aware, when this case sort of came through at  
10 its early inception, Ms. Seltzer was counsel and she was  
11 physically not in the jurisdiction and so, as a result, we  
12 came up with this plan to allow Elgin Brack and Scott Brack  
13 access to discovery in addition to their counsel.

14 There are five out of approximately 1500 inmates at  
15 the MDC that are allowed this east visiting room privilege, if  
16 you will. As a result, also, MDC Brooklyn's position is that  
17 actually tech spotting, if you will, with the inmates present,  
18 because it is a jail facility, that's not something that they  
19 are necessarily equipped to do and so, in inquiring, we asked  
20 whether or not a paralegal or a legal counsel could go into  
21 the east visiting room. Mr. Cardew reported that they could,  
22 and so if Mr. Zissou and Mr. Stein have not had issues with  
23 the password, one potential --

24 THE COURT: You mean while their client is present?

25 MR. SELDEN: Yes. And, in fact, that might be one

1 possible solution to alleviate the password issue.

2           As it relates to the password, we actually did have  
3 an MDC Brooklyn representative try to utilize the password on  
4 both hard drives; they were able to do so successfully. In  
5 addition, they were able to spot check the various documents  
6 on the hard drives and see if they opened. We understand  
7 Mr. Zissou's representations about 1970's computers, but the  
8 files that they were able to open, they were actually able to  
9 open them on the hard drives. So we wanted to actually share  
10 that as it relates to the actual hard drives.

11           As it relates to the CDs, Scott Brack, we  
12 understand, is currently in possession of two CDs. Elgin  
13 Brack is in possession of one CD. Everything that is on the  
14 CDs is a mirror, with the exception that Scott Brack has  
15 specific materials germane to Scott Brack that's on his CDs.  
16 So that's why there's one CD versus two. There is not a  
17 reason why Elgin Brack should have an additional CD.

18           In addition, there are two CDs that are on their way  
19 to Elgin and Scott Brack that they should be able to utilize  
20 in their housing unit.

21           I have been informed that, as of May 29th,  
22 yesterday, Mr. Elgin Brack declined to go to the east visiting  
23 room to actually attempt to review material, and so we wanted  
24 to flag that for the Court as far as where we stand. That  
25 might mean he's frustrated with the process, and so we are not

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1 impugning anything as it relates to Mr. Elgin Brack, but one  
2 possible suggestion would be to have the lawyers go and try  
3 out the passwords but that --

4 THE COURT: And show them how to open it?

5 MR. SELDEN: Yes, Your Honor. And since the lawyers  
6 now have reviewed through the discovery themselves they would  
7 be able to potentially identify, and the Government has  
8 previously asked Mr. Zissou for specific Bates numbers. If  
9 there's a document that Scott Brack or Elgin Brack cannot  
10 open, because the Government has Bates stamped its  
11 productions, we would simply just ask: What document are you  
12 referring to that can't be opened?

13 Thank you, Your Honor.

14 MR. ZISSOU: Judge, as I said, it does appear that  
15 the parties are all working together diligently to resolve  
16 this problem. I'm hopeful that we will be able to do it, and  
17 again, if it falls awry, we will let Your Honor know.

18 THE COURT: Well, based on something that Mr. Stein  
19 said earlier, I didn't think that you all could get in there  
20 while they were there and, apparently, according to  
21 Mr. Selden, that is now possible.

22 MR. ZISSOU: Yeah.

23 THE COURT: So that might assist them and you,  
24 frankly, that you can be there with your client at the same  
25 time and review the documents with them.

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1 MR. ZISSOU: I'm looking forward to that, Judge, but  
2 regretfully Mr. Selden and I are starting the same trial on  
3 Monday in front of your colleague.

4 THE COURT: Well, let Mr. Stein do it.

5 MR. STEIN: Actually, I'm going to be there  
6 tomorrow, Judge.

7 MR. ZISSOU: He has my permission to go every day  
8 next week and hopefully Your Honor will agree.

9 MR. SELDEN: Your Honor, there was one -- as it  
10 relates not necessarily to this discovery, but as it relates  
11 to additional productions, I failed to mention that the  
12 Government previously provided expert notice -- provided  
13 expert notice to defendants Elgin Brack and Scott Brack,  
14 regarding DNA evidence, and we put that in a production to the  
15 defense relating to DNA and cell tower evidence as well.

16 Thank you, Your Honor.

17 THE COURT: Okay.

18 MR. STEIN: Judge, my client has informed me that he  
19 would like to address the Court, not about the evidence but  
20 about this discovery review process.

21 THE COURT: You advised him, of course, that  
22 anything he says --

23 DEFENDANT ELGIN BRACK: I have no problem.

24 THE COURT: I will hear you.

25 DEFENDANT ELGIN BRACK: I -- I've seen one of the

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1 CDs that my codefendant has and I've seen the CD that I have.  
2 For some reason, I don't know why, my codefendant's second CD  
3 has nothing but me on there. My pictures, my texts, my  
4 Facebook, and I think I need to see that. It doesn't have  
5 nothing to do with him.

6 As far as the password on the hard drive, it's not  
7 working. I wouldn't lie. I asked the lawyer, can he bring  
8 all of this to court and just show it to you, but he says it  
9 might be a hard thing to do, but I don't think this is fair.  
10 I have been in MDC for like six month, I cannot look at the  
11 hard drive. He sent me this K5J whatever password months ago.  
12 I have been trying it all different type of ways. It doesn't  
13 work. I wouldn't lie.

14 And as far as the second CD that he gave to my  
15 codefendant that has me on there, I don't have that CD. I  
16 want that CD.

17 THE COURT: All right.

18 DEFENDANT ELGIN BRACK: And I'm speaking now in open  
19 court, she's typing it up, so you can do your own research on  
20 these two CD that he got and you will see that it's me. When  
21 you -- when my lawyer comes tomorrow to the east and he tries  
22 that password and it doesn't work, I just want this noted down  
23 in the court. I'm not calling him a liar or nothing, but he's  
24 just mistaken.

25 THE COURT: We've heard that issue, Mr. Brack, and

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1 we understand that the next step will be the lawyers appearing  
2 with their respective clients in trying to make -- since they  
3 have been able to access the information using that password,  
4 to see if they can access the information on the computers  
5 that you use to access the information.

6 DEFENDANT ELGIN BRACK: But the attorneys, they have  
7 either cards or CDs; they don't have the hard drive.

8 THE COURT: No, they are coming to you at the MDC  
9 and accessing the one that you have, and then they will see if  
10 they can do it, and to the extent they are successful, maybe  
11 they can show you what misstep you are making in the computer  
12 process that makes you unable to open them. So that's what  
13 the next step will be.

14 With respect to discovery, I'm sure the respective  
15 lawyers will, to the extent that information has been not  
16 provided that's appropriate, I'm sure we will hear either that  
17 that has been worked out among counsel or there will be an  
18 application made to the Court.

19 DEFENDANT ELGIN BRACK: All right. So will I be  
20 getting a second disk or can I just take it from my  
21 codefendant?

22 THE COURT: Well, we will have to find out from  
23 counsel after they confer.

24 MR. SELDEN: Your Honor, I can clarify what was on  
25 one disk versus another without going into the substance of

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1 that particular disk. It was e-mails with Scott Brack and his  
2 attorney that we do not believe are documents that we should  
3 be providing to Elgin Brack. So as a result, that's why he  
4 does not have that additional disk containing those e-mails.

5 As it relates to a phone download, the Government  
6 has actually provided specific Bates stamp ranges to Mr. Stein  
7 for, for example, Google searches by what we believe is Elgin  
8 Brack on the day before and the day of the alleged incidents  
9 in question. Those are items that could be, for example --

10 THE COURT: I think the question Mr. Elgin Brack is  
11 raising is whether or not the Government has provided to  
12 Mr. Scott Brack information about Mr. Elgin Brack that the  
13 Government hasn't provided to Mr. Elgin Brack.

14 MR. SELDEN: No, it's actually just that we've  
15 provided information to Scott Brack that is specific to Scott  
16 Brack versus Elgin Brack, and so that is the answer. It's  
17 Scott Brack, as a codefendant, would also have information  
18 about Elgin Brack and vice versa.

19 THE COURT: But there's nothing about -- the point  
20 that I think that's been raised, and we can have your  
21 representation on it, is that there is nothing that's not  
22 going to be or is not available either on the CDs or on the  
23 hard drive that relates to Mr. Elgin Brack that has been  
24 provided to Mr. Scott Brack that hasn't been provided to  
25 Mr. Elgin Brack.



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1 MR. SELDEN: That's correct. With the exception of  
2 the e-mails, that is correct, Your Honor.

3 And, Your Honor, just with regard to logistics, I  
4 understand that Mr. Stein plans to visit Elgin Brack tomorrow.  
5 We would suggest that he visit on a Monday when Mr. Elgin  
6 Brack's actual scheduled visiting days are in the east  
7 visiting room. It's my understanding that that room is  
8 actually fairly well utilized and so having an attorney and  
9 his client in there tomorrow just might not logistically be  
10 something that would work. Unless Mr. Stein has spoken  
11 previously to representatives at MDC about the planned visit,  
12 we just recommend Monday.

13 MR. STEIN: I can't go Monday. I don't need to  
14 discuss my schedule with anybody. I can't go Monday, I have a  
15 previous commitment, and I don't tell the MDC about -- I  
16 didn't tell them anything about what has been suggested here,  
17 since we're doing it for the first time, so I'll find another  
18 day and see what we can work out.

19 MR. SELDEN: Mondays or Wednesdays are his visiting  
20 days.

21 THE COURT: I think what he's also suggesting is  
22 that you might want to phone today because perhaps with  
23 prearrangement you can do it tomorrow.

24 I think that was the point, correct, Mr. Selden?

25 MR. SELDEN: Yes, Your Honor.

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1 MR. STEIN: I will contact legal and see what I can  
2 work out.

3 THE COURT: You might be able to do a special for  
4 tomorrow.

5 Okay, so we know how we want to go forward, but we  
6 don't know the time schedule.

7 MR. SELDEN: And, Your Honor, just one last --  
8 Murphy's law, if for whatever reason, for example, Mr. Stein  
9 or Mr. Zissou are unable to utilize the passwords with their  
10 clients, we would ask Mr. Stein and Mr. Zissou to propose a  
11 laptop, as Mr. Zissou has voiced already, and propose it to  
12 Government counsel as well as Ms. McFarland, the make, the  
13 model, and when they think they will be available to purchase  
14 that item so that we can actually move forward and download  
15 the documents if for whatever reason they are not able to  
16 access the hard drives.

17 MR. ZISSOU: I'm happy to send them one now. I'm  
18 sure the Court wouldn't object if I spent a minor amount  
19 purchasing a laptop. The way we've done it in the past is we  
20 just buy it from the maker, send it directly to the attorney  
21 for the Government, still wrapped, and they load it up. They  
22 have access to the same software that you need. We don't even  
23 need to touch it; that's how we've done that in the past. I'm  
24 happy to do that now to get things going.

25 THE COURT: As long as Jerry Tritz doesn't get mad

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1 at Mr. Zissou, it's okay with me.

2 MR. ZISSOU: I will clear it with him before I do  
3 anything, Judge.

4 MR. SELDEN: Your Honor, I do want to say, though,  
5 that MDC has requested that we try to work out the actual  
6 portable hard drives first.

7 THE COURT: Yes, that would be in everyone's best  
8 interest, if that's doable. If it proves not doable, then we  
9 have to go to plan B.

10 MR. SELDEN: Absolutely.

11 THE COURT: Or Z, wherever we're at.

12 MR. ZISSOU: Z, I like Z, Judge. And we'll keep  
13 working, I promise you, Judge.

14 THE COURT: I thought you might.

15 All right, does that bring us to when we shall find  
16 out at our next status conference as to whether or not all of  
17 this is worked out and which plan worked?

18 MR. SELDEN: That's good, Your Honor.

19 THE COURT: You say about 30 days?

20 MR. SELDEN: That sounds good. Thank you, Your  
21 Honor.

22 THE COURTROOM DEPUTY: How's June 28th?

23 MR. ZISSOU: I might have to leave by then. I think  
24 my last day is going to be the 26th.

25 THE COURT: We can do it on a Thursday or -- that

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1 would be a Wednesday, right?

2 MR. ZISSOU: Yeah, 24th, 25th, I have to -- I have  
3 to travel in an unrelated case and I'm pretty sure I have to  
4 be on the plane by the 28th, give or take a day, so I have to  
5 be in a venue by the 30th.

6 THE COURTROOM DEPUTY: How's the 26th?

7 THE COURT: Try the 26th. I have to go to  
8 Washington earlier that week.

9 MR. STEIN: No good for me.

10 MR. ZISSOU: Why don't you make it the 27th? If  
11 there's a problem, I will let you know.

12 THE COURT: Mr. Stein?

13 MR. STEIN: Excuse me?

14 THE COURT: 27th works for you?

15 MR. STEIN: Yes, I'm just asking what day of the  
16 week that is.

17 THE COURT: It's a Thursday.

18 MR. SELDEN: Is there a particular time on that day,  
19 Your Honor?

20 THE COURT: I knew that right away because William  
21 always offers Fridays first.

22 THE COURTROOM DEPUTY: We can do 10:00 a.m.

23 MR. SELDEN: I have a sentencing that morning at  
24 10:00 a.m. Is there an afternoon time that's available?

25 THE COURT: We can to 11:00.

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1 MR. SELDEN: I have a 10:30 sentencing also,  
2 following that first sentencing. So I have two in the  
3 morning. Is the afternoon available, please?

4 MR. STEIN: How about noon?

5 THE COURT: Is that a problem with you?

6 MR. ZISSOU: Any time on Thursday is fine.

7 THE COURT: Even in the afternoon?

8 MR. ZISSOU: Sure. Any time, Your Honor.

9 MR. SELDEN: Sure, that works well. Thank you.

10 THE COURT: What time did you make it, William?

11 THE COURTROOM DEPUTY: Noon.

12 THE COURT: That's fine.

13 Anything else?

14 MR. STEIN: Noon on the 27th?

15 THE COURT: 27th.

16 MR. STEIN: Judge, I have two administrative sort of  
17 matters.

18 THE COURT: Sure.

19 MR. STEIN: One is, since obviously we've been  
20 devoting a lot of time on this, whether you will authorize  
21 interim vouchers. I don't know whether I need to submit a  
22 letter to that effect.

23 MR. ZISSOU: If he enters it on the docket entry --

24 MR. STEIN: So that's okay, Judge?

25 THE COURT: It's okay with me.

## Proceedings

22

1 MR. STEIN: The other thing is -- I spoke with the  
2 marshals before -- with the Court's permission, we want to go  
3 downstairs, and the marshals have agreed to put the clients  
4 into the cellblock, and counsel will go down there and --

5 THE COURT: That is absolutely encouraged. Not only  
6 permission but encouraged.

7 Anything else administratively we need to take care  
8 of?

9 MR. SELDEN: Nothing from the Government. Thank  
10 you, Your Honor.

11 THE COURT: All right, so based on the information  
12 provided, discovery continues to be an issue, which we hope  
13 we've made some substantial progress on. Obviously discovery  
14 is important for a lot of reasons, including most importantly  
15 to allow defense to make some strategic determinations. Plea  
16 agreements have been extended, so to the extent that the  
17 discovery might push them in that direction, that could lead  
18 to the disposition of this matter without the necessity of  
19 trial, and the overall need of time for the proper preparation  
20 of this case given the discovery issues is more than apparent.

21 So for all of those reasons, without the objection  
22 of any party to otherwise meet the ends of justice, we will go  
23 over for further status on June 27th at noon and exclude the  
24 time in the interim. So we will see you on June 27th.

25 MR. ZISSOU: Thank you for your indulgence this

Proceedings

23

1 morning, Your Honor.

2 THE COURT: Good to see you all.

3 MR. SELDEN: Thank you, Your Honor.

4 May we be excused?

5 THE COURT: You are excused.

6 MR. SELDEN: Thank you, Your Honor. Have a nice  
7 day.

8 (Matter concluded.)

9

10 \* \* \* \* \*

11

12 I certify that the foregoing is a correct transcript from the  
13 record of proceedings in the above-entitled matter.

14 /s/ Denise Parisi

August 8, 2019

15 \_\_\_\_\_  
DENISE PARISI

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DATE

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